

FIRST REGULAR SESSION

SENATE BILL NO. 309

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Read 1st time January 18, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1539S.011

AN ACT

To repeal sections 384.051 and 384.062, RSMo, and to enact in lieu thereof two new sections relating to the collection of surplus lines tax.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 384.051 and 384.062, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 384.051 and 384.062, to
3 read as follows:

384.051. 1. Every insured in this state who procures or causes to be
2 procured or continues or renews insurance in any surplus lines insurer, or any
3 self-insurer in this state who so procures or continues with, any surplus lines
4 insurer, excess of loss, catastrophe or other insurance, upon a subject of insurance
5 resident, located or to be performed within this state, other than insurance
6 procured through a surplus lines broker pursuant to sections 384.011 to 384.071,
7 shall before March second of the year next succeeding the year in which the
8 insurance was so procured, continued or renewed, file a written report of the
9 same with the director **of revenue** on forms prescribed by the director **of**
10 **revenue** and furnished to such an insured upon request. The report shall show:

- 11 (1) The name and address of the insured or insureds;
- 12 (2) The name and address of the insurer or insurers;
- 13 (3) The subject of the insurance;
- 14 (4) A general description of the coverage;
- 15 (5) The amount of premium currently charged therefor;
- 16 (6) Such additional pertinent information as may be reasonably requested
17 by the director **of revenue**.

18 2. If any such insurance covers also a subject of insurance resident,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 located or to be performed outside this state, for the purposes of this section, a
20 proper pro rata portion of the entire premium payable for all such insurance shall
21 be allocated as to the subjects of insurance resident, located or to be performed
22 in this state.

23 3. Any insurance in a surplus lines insurer procured through negotiations
24 or an application in whole or in part occurring or made within or from within this
25 state, or for which premiums in whole or in part are remitted directly or
26 indirectly from within this state, shall be deemed to be insurance procured or
27 continued or renewed in this state within the intent of subsection 1 of this
28 section.

29 4. For the general support of the government of this state there is levied
30 upon the insured who procures insurance pursuant to subsections 1 and 3 of this
31 section a tax at the rate of five percent of the net amount of the premium in
32 respect of risks located in this state. Before April sixteenth of the year next
33 succeeding the year in which the insurance was so procured, continued or
34 renewed, the insured shall remit to the director **of revenue** the amount of the
35 tax. [The director before June first of each year shall certify and transmit to the
36 director of revenue the sums so collected.]

 384.062. 1. If the tax collectible by a surplus lines licensee under the
2 provisions of sections 384.011 to 384.071 has been collected and is not paid within
3 the time prescribed, the same shall be recoverable in a suit brought by the
4 director **of revenue** against the surplus lines licensee.

5 2. All taxes, penalties, and interest or delinquent taxes levied pursuant
6 to this chapter shall be paid to the director **of revenue**, who shall obtain such
7 taxes, penalties and interest by civil action against the insured or the surplus
8 lines licensee, and the director shall remit such taxes when collected to the
9 director of revenue. All checks and drafts remitted for the payment of such taxes,
10 penalties and interest shall be made payable to the director of revenue.

11 3. Taxes collected pursuant to this chapter are taxes collected by the
12 director of revenue within the meaning of section 139.031, RSMo.

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